

**OPTOMETRY EXAMINING BOARD
LIVE MEETING MINUTES
MARCH 31, 2011**

PRESENT: Swaminat Balachandran, Ann Meier Carli, Gregory Foster, Kathi Leach, Richard Wright

EXCUSED: Robert Foss

STAFF: Kelli Kaalele, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Jeffrey L. Weaver, OD, American Board of Optometry (via Live Meeting); Joleen Bruenig, Wisconsin Optometric Association

CALL TO ORDER

Gregory Foster, Chair, called the meeting to order at 9:05 a.m. A quorum of five (5) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Case Status Report (closed session) – insert after page 104
- Item C – Appearance by Eric Knight, OD, and DOE Attorney Kim Kluck – This item is removed from the agenda.
- Item L – Travel – This item is removed from the agenda.

MOTION: Swaminat Balachandran moved, seconded by Ann Meier Carli, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 16, 2010

Correction:

- On page 2, under PRACTICE QUESTIONS, in the last sentence in the paragraph, delete “to the next meeting” and replace with “until further information is available from ABO”

MOTION: Swaminat Balachandran moved, seconded by Ann Meier Carli, to approve the minutes of September 16, 2010 as corrected. Motion carried unanimously.

SECRETARY MATTERS

Secretary Ross was not available to meet with the Board.

TELECONFERENCE WITH JEFFREY WEAVER, AMERICAN BOARD OF OPTOMETRY, REGARDING BOARD CERTIFICATION

Jeffrey Weaver, OD, Executive Director, American Board of Optometry (ABO), addressed the Optometry Examining Board regarding ABO Certification.

ADMINISTRATIVE REPORT

Meeting Dates

Kelli Kaalele reviewed the meeting dates with the Board.

Annual Policy Review

Kelli Kaalele reviewed the policies with the Board.

Out of State Travel

There is a freeze on all out of state travel for the remainder of 2011.

ELECTION OF OFFICERS FOR 2011

MOTION: Ann Meier Carli moved, seconded by Richard Wright, to nominate Gregory Foster for Chair, Richard Wright for Vice Chair and Kathi Leach for Secretary.

Chair Gregory Foster called for nominations three times. Hearing no other nominations, he called for a vote.

Gregory Foster was re-elected Chair, Richard Wright was re-elected Vice Chair and Kathi Leach was re-elected Secretary by unanimous vote.

BOARD APPOINTMENTS

Chair Gregory Foster made the following Board appointments:

- **Statutes and Rules Committee** – Gregory Foster, Ann Meier Carli and Swaminat Balachandran
- **CE Review** – Richard Wright, Kathi Leach and Swaminat Balachandran
- **Screening Panel Committee** – Richard Wright, Kathi Leach and Swaminat Balachandran
- **Credentialing Liaison** - Ann Meier Carli

PROPOSED FINAL DECISION AND ORDER

MARTHA REILLY, OD
10 OPT 007

MOTION: Swaminat Balachandran moved, seconded by Kathi Leach, to adopt the Final Decision and Order in the disciplinary proceedings against Martha Reilly, OD. Motion carried unanimously.

BOARD REVIEW AND DISCUSSION OF REQUEST FROM ARIZONA REGARDING PHARMACEUTICAL AUTHORITY BY OPTOMETRISTS

The Board reviewed the correspondence from Annette Hanian, OD, of the Arizona Optometric Association's Legislation Committee.

MOTION: Ann Meier Carli moved, seconded by Richard Wright, to reply to Annette Hanian that there have been no complaints in Wisconsin regarding optometrists using pharmaceutical agents in the diagnosis and treatment of eye disorders and diseases. Motion carried unanimously.

Kelli Kaalele will draft the letter to Dr. Hanian.

BOARD REVIEW AND DISCUSSION REGARDING HEALTHCARE ACCESS MEMO

Michele Miller Hayes reviewed with the Board the section of the Healthcare Access memo that relates to the practice of optometry.

EDUCATION AND EXAMINATION MATTERS

There were no items to discuss.

CREDENTIALING MATTERS

There were no items to discuss.

PRACTICE ISSUES

Visual Evoked Potential (VEP)

The correspondence was Diane Fulton was reviewed. The Board's position is that visual evoked potential is within the optometry scope of practice. The reimbursement by Medicare and Medicaid are not within the Board's purview. Michele Miller Hayes will reply to Ms. Fulton.

COMMITTEE REPORTS

There were no reports.

INFORMATIONAL ITEMS

Petition for Review of Costs in the Disciplinary Proceedings Against Herbert T. Webb, OD

Michele Miller briefly reviewed this item with the Board.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Ann Meier Carli moved, seconded by Kathi Leach, to adjourn to closed session pursuant to Wisconsin Statutes 19.85(1)(a)(b)(f) and (g), to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats.

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and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.).
Roll Call Vote: Swaminat Balachandran-yes; Ann Meier Carli – yes;
Richard Foss – yes; Kathi Leach – yes; Richard Wright – yes. Motion carried unanimously.

Open session recessed at 10:32 a.m.

RECONVENE TO OPEN SESSION

MOTION: Swaminat Balachandran moved, seconded by Ann Meier Carli, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 10:55 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MONITORING

W. M.

MOTION: Ann Meier Carli moved, seconded by Richard Wright, to open an investigation in the matter regarding W.M. and to issue an Order if necessary. Motion carried. Kathi Leach was recused during deliberation and abstained from voting.

CASE CLOSINGS

10 OPT 004

MOTION: Ann Meier Carli moved, seconded by Swaminat Balachandran, to close case **10 OPT 004** for no violation. Motion carried unanimously.

09 OPT 005

MOTION: Swaminat Balachandran moved, seconded by Ann Meier Carli, to close case **09 OPT 005** for no violation. Motion carried unanimously.

09 OPT 007

MOTION: Richard Wright moved, seconded by Swaminat Balachandran, to close case **09 OPT 007** for no prosecutorial discretion (P3). Motion carried unanimously.

ADJOURNMENT

MOTION: Swaminat Balachandran moved, seconded by Richard Wright, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:02 a.m.

THE NEXT MEETING IS JUNE 9, 2011